

**STATE OF HAWAII**  
**REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS**

TO: Aaron S. Fujioka  
Administrator, State Procurement Office

FROM: Bruce S. Anderson, Ph.D., M.P.H.  
Director, Department of Health

DATE: October 4, 2002

Pursuant to §103F-101(a)(4), H.R.S., and Chapter 3-141, H.A.R., the Department requests a procurement exemption to purchase the following:

***Description of goods, services, or construction:***

In accordance with Chapter 3-141, H.A.R., there is adequate basis for an exemption from procurement to directly contract with Hawaii Community Foundation to serve as the fiscal agent for the Hawaii Children's Trust Fund. The Hawaii Children's Trust Fund was established by Chapter 350B of the Hawaii Revised Statutes (see attached) to promote public-private partnerships and make grants to private non-profit organizations, public agencies, or qualified persons in order to provide community-based services and education designed to strengthen families to prevent child abuse and neglect. Chapter 350B H.R.S. designates the Hawaii Community Foundation as the fiscal agent responsible for Hawaii Children's Trust Fund.

Chapter 350B H.R.S. also designates the Department of Health to serve as the lead agency for the public sector, in conjunction with the Hawaii Community Foundation to administer the Hawaii Children's Trust Fund. The unique community-based grantmaking structure of the Hawaii Children's Trust Fund fulfills the primary purpose of the federal Community-Based Family Resource and Support Grant to further develop and enhance Hawaii's network of community-based family resource and support programs to strengthen families to prevent child abuse and neglect.

***Name of Vendor:*** Hawaii Community Foundation

***Cost:*** Proposed Funds Budgeted for the Purchase of Service: \$536,502.00

***Term of Contract:*** January 1, 2003 through September 30, 2005

***Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:***

The Community-Based Family Resource and Support Grant requires the administering agency to develop a continuum of preventive, family centered, comprehensive services for children and families. The agency must demonstrate an ability to work with State and community-based public and private non-profit organizations. The agency must also have interdisciplinary structures with balanced representations from the private and public sector, parents, and the public and private non-profit service providers and individuals and organizations experienced in working in partnerships with children and families. The Hawaii Children's Trust Fund, a component of the Hawaii Community Foundation, is specified by state statutes (Chapter 350B H.R.S.) to provide operational support (both financially and programmatic) and training and technical assistance needed to support the intent and implementation of this grant.

***Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:***

The Hawaii Children's Trust Fund, a component of the Hawaii Community Foundation, was established by the Legislature to serve as a Statewide mechanism to maximize financial resources for community based services and education. The Hawaii Children's Trust Fund thus serves as a repository for federal and state funds, as well as private contributions from corporations and other businesses, foundations, individuals, and other interested parties.

***A list of agency personnel by position title who will be involved in the approval process and administration of the contract:***

Child Health Services Section Supervisor, Maternal and Child Health Branch  
Public Health Administrative Officer, Maternal and Child Health Branch  
Accountant, Maternal and Child Health Branch  
Public Health Administrative Officer, Family Health Services Division  
Accountant, Family Health Services Division

***Direct questions to:*** Althea Momi Kamau, M.P.H., R.N.  
Chief, Maternal and Child Health Branch  
Phone: 733-4044.

This exemption should be considered for list of exemptions attached to  
Chapter 3-141, H.A.R.:

☐ Yes      ☐ No

I certify that the information provided above is to the best of my knowledge, true and  
correct.

  
\_\_\_\_\_  
Director of Health

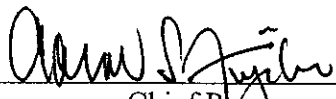
OCT - 9 2002  
\_\_\_\_\_  
Date

**Chief Procurement Officer's Comments:**

Please utilize the proper form, Request for Exemption Form SPOH 150, when  
requesting an exemption from procurement for health and human services. (SPO  
forms for procurement of health and human services are available on the SPO  
website.)

Please ensure adherence to applicable administrative requirements.

☒ **APPROVED**      ☐ **DENIED**

  
\_\_\_\_\_  
Chief Procurement Officer

10/11/02  
\_\_\_\_\_  
Date

P.E. H Number: \_\_\_\_\_

Attachments

**HAWAII REVISED STATUTES**  
**CHAPTER 350B**  
**HAWAII CHILDREN'S TRUST FUND**

[§350B-1] Definitions. As used in this chapter, unless the context clearly requires otherwise:

"Advisory committee" means the component of the Hawaii children's trust fund coalition that serves in an advisory capacity to the trust fund and the department of health.

"Board" means the Hawaii children's trust fund advisory board.

"Child abuse and neglect" has the same meaning as "child abuse or neglect" as defined in section 350-1.

"Coalition" means the Hawaii children's trust fund coalition.

"Primary prevention" means efforts targeting the general population designed to promote the general welfare of children and families prior to any occurrence of abuse or neglect.

"Secondary prevention" means efforts targeting children and families that are considered, because of their life situations, to be at risk of abuse or neglect.

"Trust fund" or "fund" means the Hawaii children's trust fund. [L. 1993, c. 336, pt of §2]

[§350B-2] Creation of the Hawaii children's trust fund. (a) There is established the Hawaii children's trust fund as a separate fund of the Hawaii Community Foundation, a Hawaii nonprofit corporation. Moneys received from the state, county, or federal government, and private contributions of cash and other property, and the income and capital gains earned by the fund shall constitute the trust fund assets.

(b) The Hawaii Community Foundation shall have the responsibility for the expenditure of moneys from the trust fund for the purposes of this chapter.

(c) The purpose of the trust fund is to strengthen families primarily by the award of grants for primary and secondary prevention activities to prevent child abuse and neglect.

(d) The fund may receive contributions, grants, or gifts in cash or otherwise from all sources. The legislature intends that the public and private sectors work together as partners in securing contributions for the fund. The State may donate moneys to the trust fund by legislative appropriation; provided that any appropriations made by the State are not intended to supplant the funding of existing prevention programs.

(e) There shall be an endowment component of the Hawaii children's trust fund.

(f) The aggregate principal sum deposited in the Hawaii children's trust fund, and any income and capital gains earned by the trust fund but not expended for grantmaking or administration, shall be invested in accordance with the provisions of the Hawaii Community Foundation in a manner intended to maximize the rate of return on investment of the trust fund consistent with the objective of preserving the trust fund's principal.

(g) The department of health shall serve as the lead agency for the public sector and, in conjunction with the Hawaii Community Foundation, may provide staffing for the board, the coalition, and advisory committee.

(h) Results of the annual audit of the Hawaii Community Foundation shall be submitted to the department of health not later than thirty days from the date the Hawaii Community Foundation receives the audit results. The Hawaii Community Foundation shall retain for three years all documents, papers, books, records, and other material pertinent to the fund and audit. The Hawaii Community Foundation shall permit the department of health, the department of accounting and general

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## SOCIAL SERVICES

[§350B-6] Hawaii children's trust fund advisory committee. (a) There shall be an advisory committee of the Hawaii children's trust fund coalition. The advisory committee shall provide leadership for the coalition. Members of the advisory committee shall be initially selected prior to December 1, 1993.

(b) The advisory committee shall perform the following functions:

- (1) Promote statewide planning and strategies for strengthening families with the intent of preventing child abuse and neglect;
- (2) Establish criteria and guidelines for grantmaking for the board;
- (3) Publicize the fund and solicit moneys from public and private sources, in collaboration with the board;
- (4) Advise the department of health on matters involving the prevention of child abuse and neglect; and
- (5) Facilitate the exchange of information between groups concerned with families and children.

(c) The advisory committee shall include private and public members. Public sector representation shall include the department of health, department of human services, department of education, office of youth services, and the judiciary. The coalition shall elect the private sector representatives, whose membership shall equal one more than the number of public sector representatives. [am L 1996, c 298, §5]

(d) Each member of the advisory committee shall have one vote, except that the representative of the department of health shall not vote on matters relating to advising the department of health. The advisory committee shall elect its officers. [L 1993, c 336, pt of §2]

[§350B-7] Grants. Grants provided for the strengthening of families, with the intent of preventing child abuse and neglect, may include, but are not limited to, the following:

- (1) Programs for families to increase the family unit's capability to create a healthy environment in which each member may develop to the member's fullest potential;
- (2) Programs for parents to increase their ability to provide a safe and nurturing environment for their children;
- (3) Programs for children to increase their ability to form healthy relationships, and to avoid and cope with dangerous situations;
- (4) Training and education for professionals, including making information about the problems of child abuse and neglect available to agencies dealing with these problems;
- (5) General community education to increase the community's awareness of the needs of families and children, and of the issues of child abuse and neglect and its prevention; and
- (6) Research, evaluation, and advocacy activities related to the prevention of child abuse and neglect. [L 1993, c 336, pt of §2]

HOUSE OF REPRESENTATIVES  
TWENTIETH LEGISLATURE, 2000  
STATE OF HAWAII

H.B. NO.

2273

H.D. 2  
S.D. 1  
C.D. 1

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A BILL FOR AN ACT

RELATING TO THE HAWAII CHILDREN'S TRUST FUND.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1       SECTION 1. The legislature finds that public policies and  
2 programs addressing child maltreatment have developed based on an  
3 overall understanding of the extent of maltreatment and its  
4 consequences to society. Maltreatment commonly includes physical  
5 abuse, sexual abuse, neglect, and emotional abuse. The Child  
6 Abuse Prevention and Treatment Act, Public Law 93-247 (1974),  
7 defines child maltreatment as: "The physical and mental injury,  
8 sexual abuse, neglected treatment or maltreatment of a child  
9 under eighteen by a person who is responsible for the child's  
10 welfare under circumstances which indicate the child's health and  
11 welfare is harmed and threatened thereby, as determined in  
12 accordance with the regulations prescribed by the Secretary of  
13 Health, Education, and Welfare." It is clear that since 1974,  
14 abusive behavior is often perpetrated by strangers as well.

15       The legislature further finds that the extent of child abuse  
16 and neglect is difficult to accurately quantify because many  
17 incidences of abuse or neglect are not reported to authorities.  
18 Although the number of incidences of child abuse or neglect may  
19 be difficult to ascertain, the prevalence of abuse and neglect is

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1 professionals. The trust fund maximizes financial resources by  
2 serving as a repository for federal and state funds, as well as  
3 private contributions from corporations and other businesses,  
4 foundations, individuals, and other interested parties.

5 The legislature further finds that the Hawaii children's  
6 trust fund has ameliorated poor conditions for Hawaii's most  
7 vulnerable population by identifying and funding those programs  
8 that have had effective outcomes.

9 The Hawaii community foundation administers the Hawaii  
10 children's trust fund. The foundation has been successfully  
11 managing charitable endowments since 1916. According to the  
12 foundation, in testimony before the senate in the 1999 session, a  
13 cost benefit analysis done in Hawaii and in other states  
14 demonstrated that effective abuse and neglect prevention programs  
15 that strengthen families are less costly than treating children  
16 who have been abused or neglected.

17 An appropriation to the Hawaii children's trust fund would  
18 ensure that a more complete safety net is put in place for  
19 children and their families.

20 The purpose of this Act is to make an appropriation to the  
21 Hawaii children's trust fund from the Hawaii tobacco settlement  
22 special fund.

REPORT TITLE:  
Child Abuse

DESCRIPTION:  
Appropriates \$250,000 to the Hawaii Children's Trust Fund from  
the Hawaii Tobacco Settlement Special Fund. (HB2273 CD1)